



Proposed Habitat Conservation Plan with Kauai Island Utility Cooperative



Hawaiian Petrel or 'Ua'u

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What is a Habitat Conservation Plan and Incidental Take Permit?

A habitat conservation plan describes how a permit applicant will, to the maximum extent practicable, minimize and mitigate the potential incidental take of protected species that may result from its proposed actions. The permit authorizes the incidental take of the listed species, not the activities that result in the take.

Incidental take permits are required when nonfederal activities will result in the unintended “take” of a threatened or endangered species. Both the federal and Hawaii Endangered Species Acts provide for the HCP process to allow development or activities to proceed while promoting the conservation of listed species. The U.S. Fish and Wildlife Service and the Hawaii Department of Land and Natural Resources jointly process HCPs but issue separate incidental take permits.

What is take?

“Take” is defined in the Endangered Species Act as harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting any threatened or endangered species. Harm may include significant habitat modification where it actually kills or injures a listed species by impairing its essential behavior (e.g., nesting or reproduction).

Who and Why?

The Kauai Island Utility Cooperative (KIUC) is seeking to develop an HCP to avoid, minimize, and mitigate incidental take of listed seabird species associated with its facilities and operations. KIUC is a not-for-profit, member-owned utility cooperative that generates and distributes electricity to the entire island of Kauai.

Seabirds are known to collide with tall buildings, towers, powerlines, and other structures while flying at night between their nesting colonies and pelagic foraging areas. They are also attracted to bright lights that disorient the birds, causing them to circle repeatedly around exterior light sources until they fall exhausted to the ground or collide with structures.

Species Covered:

Three seabird species are expected to be covered under the HCP:

- the federally and state listed endangered Hawaiian Petrel or 'Ua'u (*Pterodroma sandwichensis*),
- the federally and state listed threatened Newell's Shearwater or 'A'o (*Puffinus auricularis newelli*), and
- the federal candidate for listing Band-rumped Storm-Petrel or 'Ake'ake (*Oceanodroma castro*).



Newell's Shearwater or 'A'o

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What is KIUC doing now to help the seabirds?

KIUC has already implemented several interim conservation measures to benefit listed seabirds on Kauai. The cooperative has shielded all streetlights on their utility poles to reduce light-attraction impacts, placed powerline marker balls where needed in areas of concentrated seabird flight paths, and contributed funds to partially support the State's program to rescue and rehabilitate downed seabirds. Marker balls are brightly colored balls placed on power lines that allow birds to view the lines as obstacles, thus avoiding collision.

KIUC also is investigating sites for improving nesting colony habitat by implementation of a control program for non-native predators in partnership with a third party landowner. These and other measures, including modifying powerline arrays, will be considered by the Service and the Hawaii Department of Land and Natural Resources when reviewing the conservation program described in the HCP.

We need your thoughts and comments!

Interested parties will have several opportunities to provide comments during the scoping and planning processes. At this stage interested parties will be able to provide input to the Service prior to the development of the actual HCP.

The Service anticipates that KIUC will request an incidental take permit, which requires the development of the HCP. Pursuant to the National Environmental Policy Act (NEPA), we must gather the necessary information to prepare an environmental analysis document assessing the effects of issuing such a permit. This stage of information gathering is known as *scoping*, and in this case will help us make an initial determination of whether an environmental assessment (*with a finding of no significant impact to the human environment*) or environmental impact statement (*if significant impact to the human environment is indicated*) is needed to comply with NEPA.

A notice of intent to prepare a NEPA document was published in the Federal Register on July 15, 2004, and interested parties have until October 16 to provide their written comments to the Service. They are also welcome to attend the public meeting to be held on September 16, in the Moikeha Building, 4444 Rice Street in Lihue, Kauai, from 7 p.m. to 9 p.m.

Comments and suggestions provided to the Service will ensure that a reasonable range of alternatives is addressed in the HCP and NEPA document, and that all potentially significant issues are identified. All written and oral comments received, including names and addresses, will become part of the official administrative record and will be available to the public upon request. The Service will decide on the type of environmental document to be prepared after all of the comments received are considered.

Once the type of environmental document is identified, KIUC will complete a standard federal application form for an incidental take permit and a draft HCP. In addition, KIUC will contract with a private vendor, Planning Solutions, Inc., to complete the draft environmental document for the Service. The Service will be responsible for the scope and content of the NEPA document.

Once all the necessary documents are drafted, interested parties will have an opportunity to comment on the draft HCP and associated environmental document. A 60-day public comment period is generally offered for an environmental assessment and a 90-day public comment period for an environmental impact statement.

Hawaii's Department of Land and Natural Resources has a separate parallel process for reviewing the joint federal/state HCP, which will include a public hearing on Kauai. Once the review period ends, all comments and suggestions received will be considered in the permit decision and environmental documents.

For Additional Information:

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